| STATE OF SOUTH CAROLINA (Caption of Case) Waffle House, Inc. Commplaint to the Public Service Commission | | | BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA COVER SHEET DOCKET NUMBER: 2010 - 79 - S | | |
|--|-------------------|---------------------------------------|---|---------------------------|--|
| (Please type or print | | , , , , , , , , , , , , , , , , , , , | | | |
| Submitted by: | | | SC Bar Number: 2549 | | |
| Address: | | | Selephone: 803-252- | | |
| | Columbia, SC | | -11-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1- | 803-771-2410 | |
| | | 274 1 | Other: Email: jhoefer@willoughbyhoefer.com | | |
| ☐ Other: INDUSTRY (C | elief demanded in | | tem to be placed on Commis | | |
| ☐ Electric | | Affidavit | ∠ ∠ ∠ Letter | Request | |
| ☐ Electric/Gas | | Agreement | Memorandum | Request for Certification | |
| ☐ Electric/Telecommunications | | Answer | Motion | Request for Investigation | |
| ☐ Electric/Water | | Appellate Review | Objection | Resale Agreement | |
| Electric/Water/Telecom. | | Application | Petition | Resale Amendment | |
| Electric/Water/Sewer | | ☐ Brief | Petition for Reconsideratio | n Reservation Letter | |
| Gas | | Certificate | Petition for Rulemaking | Response | |
| Railroad | | Comments | Petition for Rule to Show Cau | se Response to Discovery | |
| Sewer | | Complaint | Petition to Intervene | Return to Petition | |
| ☐ Telecommunications | | Consent Order | Petition to Intervene Out of Ti | me Stipulation | |
| Transportation | | Discovery | Prefiled Testimony | Subpoena | |
| Water | | Exhibit | Promotion | ☐ Tariff | |
| Water/Sewer | | Expedited Consideration | Proposed Order | Other: | |
| Administrative Matter | | Interconnection Agreement | Protest | | |
| Other: | | Interconnection Amendment | ☐ Publisher's Affidavit | | |
| | | Late-Filed Exhibit | Report | | |

WILLOUGHBY & HOEFER, P.A.

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TRACEY C. GREEN ALAN WILSON SPECIAL COUNSEL

February 26, 2010

*ALSO ADMITTED IN TX

VIA HAND DELIVERY

The Honorable Jocelyn D. Boyd Interim Chief Clerk / Administrator **Public Service Commission of South Carolina** 101 Executive Center Drive Suite 100 Columbia, SC 29210

RE: Docket No. 2010-79-S

Dear Mrs. Boyd:

This firm represents Palmetto Utilities, Inc. ("PUI"). The February 24, 2010, complaint by Waffle House, Inc. ("Waffle"), signed by Frederick B. ("Rick") Tyler, Jr. on behalf of that entity, and assigned the above-referenced docket number, has been brought to the attention of PUI and it has requested that we address the propriety of this filing with the Commission.

Mr. Tyler's drafting and submission of this Complaint on behalf of Waffle would appear to constitute the unauthorized practice of law. See 26 S.C. Code Ann. Regs. R. 103-805 and *In re Unauthorized Practice of Law Rules Proposed by the South Carolina Bar*, 309 S.C. 304, 422 S.E.2d 123 (1992). For this reason, PUI respectfully submits that the complaint should be returned to Waffle as not being cognizable under Commission rules and Supreme Court precedent.

Should Waffle engage South Carolina counsel and submit its complaint anew, PUI reserves its right to respond as appropriate.

(Continued...)

¹Counsel for PUI have consulted the 2009-2010 Lawyers Deskbook published by the South Carolina Bar and the South Carolina Bar's online directory and have determined therefrom that Mr. Tyler is not licensed to practice law in this state.

If you have any questions, or need additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

WILLOUGHBY & HOEFER, P.A.

John M.S. Hoefer

JMSH/ccm

cc: Mr. Frederick B. ("Rick") Tyler, Jr.